



DOCKET NO. SPC-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Peter Forsell Confirmation No.: 1846
Serial No.: 09/753,656 Art Unit: 3736
Filed : 01/04/2001 Examiner: D. McCrosky

For : CONTROLLED FOOD FLOW IN A PATIENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, Ethicon Endo-Surgery, Inc. , a corporation of the State of Ohio, having a registered office at 4545 Creek Road, in the city of Cincinnati, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application as evidenced by the documents sent for recording in the United States Patent and Trademark Office.

Your Petitioner, Ethicon Endo-Surgery, Inc hereby disclaims, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of any patent granted on application Serial No. 09/753,656 which would extend beyond the expiration date of the first to expire of the following United States Patents and United States Patent Application: 6,475,136; 6,450,946; 6,450,173; copending Application No. 10/253,608; 6,454,699; 6,454,700; 6,461,293; 6,463,935.

Your Petitioner hereby agrees that any patent so granted on the above-captioned patent application shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to first to expire of the following United States Patents and United States Patent Application: 6,475,136; 6,450,946; 6,450,173; copending Application No. 10/253,608; 6,454,699; 6,454,700; 6,461,293; 6,463,935. This agreement to run with any patent

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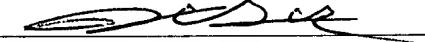
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granted on the above-captioned patent application and will be binding upon the grantee, its successors or assigns.

Please charge Deposit Account No. 10-0750/SPC-5008/DLG the sum of \$110.00 in the name of Johnson & Johnson for the cost of filing this Petition. One original and two copies of this Petition are enclosed.

Signed at Ethicon Endo-Surgery, 4545 Creek Rd. in Cincinnati, Ohio this 23rd day of April, 2004.

Respectfully submitted,


Dean L. Garner, Esq.
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Attorney for Applicant(s)

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